

REMARKS

This is in response to the Office Action of August 17, 2005. A petition for a 3 month extension of time accompanies this Response. In the Office Action of August 17, 2005, claims 8-9, 11 and 13 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 1,889,425 to Sorensen.

Claims 8-9 and 11-12 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,804,089 to Bridgman. Claim 10 was rejected under 35 U.S.C. 103 as being unpatentable over Sorensen.

Claims 8 and 10 were rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1 and 2 of the U.S. Patent No. 6,723,069.

Finally, claim 8 was objected to for formal reasons.

By this Amendment, claim 8 has been amended to recite a method for treating body tissue including, among other things, the steps of introducing the catheter into the vascular system of a patient and advancing the catheter to a desired location within the vascular system. Claim 8 further recites positioning the distal end of the first passageway over a desired section of tissue. Additional clarifying amendments have also been made.

Applicants respectfully submit that neither Sorensen nor Bridgman disclose or suggest the method of claim 8, as currently

amended. Turning first to Sorensen, the device described therein is a medical douche spraying desired parts and drawing secretions in a single operation. The device described in Sorensen is primarily used for cleaning tonsils, but as indicated by Sorensen, may be used for other purposes as well. The device disclosed in Sorensen includes a tube 13 made of glass or other suitable material and has a flared or bell-shaped mouth 14 to fit over the affected body part. Applicants respectfully submit that such a device would be unsuitable for introduction into the vascular system of a patient or advancing to a desired location within the vascular system of a patient, and no such step is disclosed or suggested in Sorensen.

With respect to Bridgman, that patent discloses a device for use with a uterine aspirator apparatus. The device has a cannula and a capillary that runs along the entire length of the cannula barrel terminating at the cannula tip at one end and at the manifold at the other. The device allows for introduction of an appropriate fluid into the uterus during an operative procedure. However, there is no disclosure or even suggestion of using the device disclosed in Bridgman in the vascular system of a patient. For this reason, Bridgman neither anticipates nor would have rendered obvious the claims of the present application, as amended.

In addition to the amendments made to claim 8, Applicants are also submitting new claims 32 through 35 directed to additional aspects of the claimed method. In response to the rejection of claims 8 and 10 on the grounds of double patenting, Applicants respectfully traverse the rejection and request that the rejection be reconsidered in view of the amendments made to claim 8.

An Information Disclosure Statement also accompanies this Amendment/Response. The references cited in the Information Disclosure Statement were made of record in the parent application, now U.S. Patent No. 6,723,069 which issued April 20, 2004.

For the reasons set forth above, Applicants submit that the claims are now in condition for allowance. Reconsideration and allowance of such claims are respectfully requested.

Respectfully submitted,

  
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